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10/618,873	07/14/2003	Jerome Azema	TI-34922	8044
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GERGISO, TECHANE				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

uspto@ti.com

Office Action Summary

Application No.

10/618,873

Applicant(s)

AZEMA ET AL.

Examiner

TECHANE J. GERGISO

Art Unit

2437

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05/20/2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-8,10-14,16-19 and 21-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-8,10-14,16-19 and 21-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 19, 2009 has been entered. 1-3, 5-8, 10-14, 16-19, 21-31 have been examined and are pending.

Election/Restrictions

2. Based on the petition granted on May 20, 2010, the restriction requirement made on April 10, 2009 is withdrawn and claims 1-3, 5-8, 10-14, 16-19 and 21-31 has been considered on the merits.

3. The indicated allowability of claims 23-27, 29-31 are withdrawn in view of the newly discovered references to Hind, Assaf, Leyda, Merkle and Wyatt Rejections based on the newly cited references follow.

Response to Arguments

4. Applicant's arguments with respect to claims 1-3, 5-8, 10-14, 16-19 and 21-31 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-3, 5-8, 10-14, 16-19, 21-22 and 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Hind et al. (hereinafter referred to as Hind, US. Pat. No.: 6,976,163).

As per claim 1:

Hind discloses a method of configuring a processing device, comprising the steps of:
accessing a certificate bound to the processing device (column 2: lines 40-50: provide updates of
firmware (i.e. data stored in a programmable memory device of a processing system)
based on rules provided as extensions to certificates associated with an update);
authenticating the certificate (column 3: lines 43-50; validate or authenticate the certificate);
reading configuration parameters from the certificate, if properly authenticated (column 2: lines
60-67; update rules; column 2: lines 40-50; column 4: lines 45-55; update rules as
extension of the certificate); and
configuring the processing device hardware responsive to the configuration parameters to set one
or more of: a speed of a hardware component of the processing device, access to one or
more otherwise inaccessible memory locations (column 1: lines 56-67; Column 10: lines

10-25; In a personal computer, firmware instructions are generally referred to as a Basic Input-Output System (BIOS). A BIOS typically contains hardware diagnostics, code which initializes and enables/disables certain hardware features (for example boot from network, system board sound or display capability, memory parity, I/O bus speed, DMA, etc.), and instructions enabling the operating system and application programs to interface with the computer hardware. Parameters governing branches through the initialization code to enable/disable or configure certain hardware features are often stored in battery-backed-up CMOS RAM).

As per claim 6:

Hind discloses a processing device comprising:

processing circuitry (Figure 2: 230; Figure 3: 238);

a memory coupled to the processing circuitry (Figure 3: 236: Programmable Memory);

wherein the processing circuitry:

accesses a certificate bound to the processing device and stored in the memory

(column 2: lines 40-50);

authenticates the certificate (column 3: lines 43-50);

reads configuration parameters from the certificate, if properly authenticated

(column 2: lines 60-67; update rules; column 2: lines 40-50; column 4:

lines 45-55; update rules as extension of the certificate); and

configures the processing device responsive to the configuration parameters to set

one or more of: a speed of a hardware component of the processing

device, access to one or more otherwise inaccessible memory locations
(column 1: lines 56-67; Column 10: lines 10-25; column 14: lines 41-54).

As per claim 12:

Hind discloses a method of configuring a processing device, comprising the steps of:
accessing a certificate bound to the processing device (column 2: lines 40-50);
authenticating the certificate (column 3: lines 43-50);
reading configuration parameters from a data file associated with the certificate, if the
certificate is properly authenticated (column 2: lines 60-67; update rules; column
2: lines 40-50; column 4: lines 45-55; update rules as extension of the certificate;
Figure 7: Firmware usage rule; column 14: lines 17-35); and
configuring the processing device responsive to the configuration parameters to set one or
more of: a speed of a hardware component of the processing device, access to one
or more otherwise inaccessible memory locations or enablement or disablement of
a hardware component (column 1: lines 56-67; Column 10: lines 10-25; column
14: lines 41-54).

As per claim 17:

Hind discloses a processing device comprising:
processing circuitry (Figure 2: 230; Figure 3: 238);
a memory coupled to the processing circuitry (Figure 3: 236: Programmable Memory);
wherein the processing circuitry:

accesses a certificate bound to the processing device and stored in the memory
(column 2: lines 40-50);
authenticates the certificate (column 3: lines 43-50);
reads configuration parameters from a data file associated with the certificate, if
the certificate is properly authenticated (column 2: lines 60-67; update
rules; column 2: lines 40-50; column 4: lines 45-55; update rules as
extension of the certificate; Figure 7: Firmware usage rule; column 14:
lines 17-35); and;
configures the processing device responsive to the configuration parameters to set
one or more of: a speed of a hardware component of the processing
device, access to one or more otherwise inaccessible memory locations or
the enablement or disablement of a hardware component (column 1: lines
56-67; Column 10: lines 10-25; column 14: lines 41-54).

As per claims 2, 7 and 13:

Hind discloses a method and a processing device, wherein the steps of accessing the
certificate, authenticating the certificate, and reading configuration parameters from the
certificate are performed whenever the processing device is initially powered (column 1: lines
56-67; Column 10: lines 10-25; column 14: lines 41-54; column 10: lines 1-7).

As per claims 3, 8, 14 and 19:

Hind discloses a method and a processing device, wherein the steps of accessing the certificate, authenticating the certificate, and reading configuration parameters from the certificate are repeated upon a system reset or boot (column 1: lines 56-67; Column 10: lines 10-25; column 14: lines 41-54; column 10: lines 1-7).

As per claims 5, 10 and 16:

Hind discloses a method and a processing device, further comprising the step of configuring software in the processing device responsive to the configuration parameters (column 2: lines 60-67; update rules; column 2: lines 40-50; column 4: lines 45-55; update rules as extension of the certificate).

As per claim 11:

Hind discloses a processing device, wherein the certificate can be created and modified only by the manufacturer of the processing device (column 15: lines 1-11).

As per claim 16

Hind discloses a method further comprising the step of configuring software in the processing device responsive to the configuration parameters (column 2: lines 60-67; update rules; column 2: lines 40-50; column 4: lines 45-55; update rules as extension of the certificate).

As per claim 18:

Hind discloses a processing device, wherein the processing circuitry accesses the certificate, authenticates the certificate, and reads configuration parameters whenever the processing device is initially powered (column 1: lines 56-67; Column 10: lines 10-25; column 14: lines 41-54; column 10: lines 1-7).

As per claim 21:

Hind discloses a processing device, wherein the processing circuitry configures software in the processing device responsive to the configuration parameters (column 2: lines 60-67; update rules; column 2: lines 40-50; column 4: lines 45-55; update rules as extension of the certificate).

As per claim 22:

Hind discloses a processing device, wherein the certificate's can be created and modified only by the manufacturer of the processing device (column 15: lines 1-11).

As per claim 28:

Hind discloses a method, wherein the step of configuring the hardware of the processing device includes the step of selectively enabling or disabling operation of one or more hardware features components (column 4: lines 45-60).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over as being anticipated by Hind et al. (hereinafter referred to as Hind, US. Pat. No.: 6,976,163) and in view of Assaf (US. Pat. No.: 6,665,778).

As per claim 23:

Hind discloses a method of configuring a processing device, comprising the steps of:
accessing a certificate bound to the processing device (column 2: lines 40-50);
authenticating the certificate (column 3: lines 43-50);
reading configuration parameters from the certificate, if properly authenticated (column 2: lines 60-67; update rules; column 2: lines 40-50; column 4: lines 45-55; update rules as extension of the certificate; Figure 7: Firmware usage rule; column 14: lines 17-35).

Hind does not explicitly disclose restoring performance characteristics of the device to a predetermined setting. Assaf in analogous art, however discloses restoring performance characteristics of the device to a predetermined setting (column 7: lines 11-33). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the system disclosed by Hind to include a configurator restoring performance

characteristics of the device to a predetermined setting. This modification would have been obvious because a person having ordinary skill in the art would have been motivated to provide a data recorder includes a memory device connected to at least one device for storing performance data obtained from the device wherein the memory device is accessible after failure of the device also to provide for optimizing device performance includes determining an operating system type, saving the operating system type in a data recorder and loading a firmware module based on the saved type as suggested by Assaf in (column 2: lines 55-67).

As per claim 24:

Assaf discloses said step of restoring performance characteristics includes periodic comparison of current hardware performance characteristics with the performance characteristics specified by the configuration parameters (Figure 6B: data structure corrupt 608; valid change 614).

9. Claims 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over as being anticipated by Hind et al. (hereinafter referred to as Hind, US. Pat. No.: 6,976,163) and in view of Leyda et al. (hereinafter referred to as Leyda, US. Pat. No.: 6,519, 698).

As per claim 25:

Hind discloses a method of configuring a processing device, comprising the steps of:
accessing a certificate bound to the processing device (column 2: lines 40-50);
authenticating the certificate (column 3: lines 43-50);

reading configuration parameters from the certificate, if properly authenticated (column 2: lines 60-67; update rules; column 2: lines 40-50; column 4: lines 45-55; update rules as extension of the certificate; Figure 7: Firmware usage rule; column 14: lines 17-35).

Hind does not explicitly disclose configuring the speed of the processing device responsive to the configuration parameters. Leyda, in analogous art, however discloses configuring the speed of the processing device responsive to the configuration parameters (column 4: lines 35-60). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the system disclosed by Hind to include a configuring the speed of the processing device responsive to the configuration parameters. This modification would have been obvious because a person having ordinary skill in the art would have been motivated to provide a data recorder includes reduces the time required to gather system configuration information during an initialization process within a computer system. The method operates by checking a chassis intrusion detection circuit within the computer system to determine whether a chassis of the computer system has been opened as suggested by Leyda in (column 2: lines 55-67).

As per claim 26:

Hind discloses a method of configuring a processing device, comprising the steps of:
accessing a certificate bound to the processing device (column 2: lines 40-50);
authenticating the certificate (column 3: lines 43-50);

reading configuration parameters from the certificate, if properly authenticated (column 2: lines 60-67; update rules; column 2: lines 40-50; column 4: lines 45-55; update rules as extension of the certificate; Figure 7: Firmware usage rule; column 14: lines 17-35).

Hind does not explicitly disclose configuring a memory speed for the processing device responsive to the configuration parameters. Leyda, in analogous art, however discloses configuring a memory speed for the processing device responsive to the configuration parameters (column 4: lines 35-60). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the system disclosed by Hind to include configuring a memory speed for the processing device responsive to the configuration parameters. This modification would have been obvious because a person having ordinary skill in the art would have been motivated to provide a data recorder includes reduces the time required to gather system configuration information during an initialization process within a computer system. The method operates by checking a chassis intrusion detection circuit within the computer system to determine whether a chassis of the computer system has been opened as suggested by Leyda in (column 2: lines 55-67).

10. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over as being anticipated by Hind et al. (hereinafter referred to as Hind, US. Pat. No.: 6,976,163) and in view of Merkle JR et al. (hereinafter referred to as Merkle; US. Pub. No.: 2004/0030912).

As per claim 27:

Hind discloses a method of configuring a processing device, comprising the steps of:
accessing a certificate bound to the processing device (column 2: lines 40-50);
authenticating the certificate (column 3: lines 43-50);
reading configuration parameters from the certificate, if properly authenticated (column 2: lines 60-67; update rules; column 2: lines 40-50; column 4: lines 45-55; update rules as extension of the certificate; Figure 7: Firmware usage rule; column 14: lines 17-35).

Hind does not explicitly disclose configuring a bus speed for the processing device responsive to the configuration parameters. Leyda, in analogous art, however discloses configuring a bus speed for the processing device responsive to the configuration parameters (0123; 0124). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the system disclosed by Hind to include configuring a bus speed for the processing device responsive to the configuration parameters. This modification would have been obvious because a person having ordinary skill in the art would have been motivated to provide protection of digital content that overcome the limitations of the conventional approaches and encompass a number of approaches achieve various levels of protection against unauthorized modification and distribution of digital content as suggested by Merkle in (0012).

11. Claims 29, 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over as being anticipated by Hind et al. (hereinafter referred to as Hind, US. Pat. No.: 6,976,163) and in view of Wyatt (US. Pat. No.: 7,007,159).

As per claim 29:

Hind discloses a method of configuring a processing device, comprising the steps of:
accessing a certificate bound to the processing device (column 2: lines 40-50);
authenticating the certificate (column 3: lines 43-50);
reading configuration parameters from the certificate, if properly authenticated (column 2: lines 60-67; update rules; column 2: lines 40-50; column 4: lines 45-55; update rules as extension of the certificate; Figure 7: Firmware usage rule; column 14: lines 17-35).

Hind does not explicitly disclose selectively enabling or disabling network hardware responsive to the configuration parameters. Wyatt, in analogous art, however discloses selectively enabling or disabling network hardware responsive to the configuration parameters (column 16: lines 31-45). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the system disclosed by Hind to include selectively enabling or disabling network hardware responsive to the configuration parameters. This modification would have been obvious because a person having ordinary skill in the art would have been motivated to provide limited predetermined support sufficient to enable boot-up, then perform reconfiguration while booted, and then re-boot to effect the reconfiguration as suggested by Wyatt in (column 2: lines 60-67).

As per claim 30:

Hind discloses a method of configuring a processing device, comprising the steps of:

accessing a certificate bound to the processing device (column 2: lines 40-50);
authenticating the certificate (column 3: lines 43-50);
reading configuration parameters from the certificate, if properly authenticated (column 2: lines 60-67; update rules; column 2: lines 40-50; column 4: lines 45-55; update rules as extension of the certificate; Figure 7: Firmware usage rule; column 14: lines 17-35).

Hind does not explicitly disclose selectively enabling or disabling audio hardware responsive to the configuration parameters. Wyatt, in analogous art, however discloses selectively enabling or disabling audio hardware responsive to the configuration parameters (column 16: lines 31-45; column 11: lines 17-55). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the system disclosed by Hind to include selectively enabling or disabling audio hardware responsive to the configuration parameters. This modification would have been obvious because a person having ordinary skill in the art would have been motivated to provide limited predetermined support sufficient to enable boot-up, then perform reconfiguration while booted, and then re-boot to effect the reconfiguration as suggested by Wyatt in (column 2: lines 60-67).

As per claim 31:

Hind discloses a method of configuring a processing device, comprising the steps of:

accessing a certificate bound to the processing device (column 2: lines 40-50);
authenticating the certificate (column 3: lines 43-50);

reading configuration parameters from the certificate, if properly authenticated (column 2: lines 60-67; update rules; column 2: lines 40-50; column 4: lines 45-55; update rules as extension of the certificate; Figure 7: Firmware usage rule; column 14: lines 17-35).

Hind does not explicitly disclose selectively enabling or disabling video hardware responsive to the configuration parameters. Wyatt, in analogous art, however discloses selectively enabling or disabling video hardware responsive to the configuration parameters (column 16: lines 31-45; column 11: lines 17-55). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the system disclosed by Hind to include selectively enabling or disabling video hardware responsive to the configuration parameters. This modification would have been obvious because a person having ordinary skill in the art would have been motivated to provide limited predetermined support sufficient to enable boot-up, then perform reconfiguration while booted, and then re-boot to effect the reconfiguration as suggested by Wyatt in (column 2: lines 60-67).

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See the notice of reference cited in form PTO-892 for additional prior art.

Contact Information

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to TECHANE J. GERGISO whose telephone number is (571)272-

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3784 and fax number is ~~(571) 273-3784~~. The examiner can normally be reached on 9:00am - 6:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Techane J. Gergiso/

Primary Examiner, Art Unit 2437